

**TOWN OF DAVIE
REGULAR MEETING
DECEMBER 17, 2003**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:40 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. First Call for Help - Mayor Truex

Susan Vern, president and CEO of First Call for Help of Broward, thanked the Town for its continued support. She stated that over 102,000 calls were received over the last fiscal year. Ms. Vern indicated that over 2,400 calls were received from Davie, which represented 3% of the Town's population. She explained that 211 was a new national telephone number that Broward County callers could use to reach the 24-hour help line. Ms. Vern described the range of calls to the helpline and advised that applicants who had a severe financial emergency could be eligible for one-time financial assistance with a food voucher or bus pass. In addition, she announced that First Call for Help provided workshops and other various community services.

3.2. Girls Fast Pitch Rising Star Scholarship Recognition

Mayor Truex advised that in October, the Town had hosted the Rising Stars Girl's Fast Pitch Softball tournament. He recognized three college scholarship recipients who participated in the tournament and presented them with awards. Mayor Truex also introduced Coach Cooper and event organizer, Sid Weiner and recognized them for their involvement. Mr. Weiner spoke about plans for future tournaments and a national championship and thanked the Town for its support.

3.3. Habitat for Humanity of Broward

Jason Crush, executive director of Habitat for Humanity, spoke about homes that were recently dedicated and thanked the Town for its support for redevelopment and construction efforts. He and representatives from Habitat for Humanity presented certificates to several Town employees for their participation.

3.4. Police Athletic League

No one from the League was present.

3.5. Employee Service Award Pins

Human Resources Management Director Mark Alan introduced newly designed Town logo pins and Employee Service Award lapel pins. He advised that current award recipients would be presented with the new pins and certificates at the Service Awards ceremony the following day. Mr. Alan indicated that all individuals employed by the Town for five years of service or more would receive the appropriate pin. He presented Council with a new Town logo pin and presented Councilmember Paul with a five year pin.

Mayor Truex advised that the applicant requested that item 6.5 be tabled until January 7, 2004. Vice-Mayor Starkey requested that whenever an item was tabled or requested to be tabled, that a letter be

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furnished indicating who was requesting the tabling and for what reason. She asked Mr. Willi if he could implement this procedure by January. Mr. Willi advised that this policy had already been instituted for future meetings and added that this issue would be discussed further under New Business.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that the applicant had requested that item 6.7 be tabled until January 21, 2004.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 6.6 was requested to be withdrawn.

Vice-Mayor Starkey asked that requests for withdrawal be provided in a letter along with the backup.

Mayor Truex advised that item 4.19 was requested to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.20 was requested to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.21 was requested to be added.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.22 was requested to be added.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 4.23 was requested to be added.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. October 28, 2003 (Workshop)

4.2. December 9, 2003 (Workshop)

Proclamation

4.3. Florida Jewish History Month (January 2003)

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Resolutions

- 4.4. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2003-324 BIDS FOR LAWN MAINTENANCE SERVICES FOR PARKS. (Green Garden
Landscape, Mow-Hog Mowing, RLM Landscape, and Cleaning Resources -
\$193,674/year)
- 4.5. **ARCHITECTURAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-325 FLORIDA, SELECTING THE FIRM OF CORZO CASTELLA CARBALLO
THOMPSON SALMAN TO PROVIDE ARCHITECTURAL SERVICES FOR THE
FIRE STATION AT OAKES ROAD AND AUTHORIZING THE TOWN
ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR
SUCH SERVICES.
- 4.6. **PERSONNEL RULES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-326 AMENDING THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS,
RULE IX, ENTITLED "LEAVES OF ABSENCES," SECTION 13, ENTITLED
"DONATED LEAVE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.
- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-327 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
SUMMERLAKE APTS., LTD. AND THE TOWN OF DAVIE POLICE DEPARTMENT
FOR TRAFFIC CONTROL.
- 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-328 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY,
AND CONSTRUCTNEL CORPORATION, FOR THE INSTALLATION OF
REQUIRED IMPROVEMENTS RELATING TO THE MOSS PLAZA PLAT; TO
ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 10-1-03,
Moss Plaza, 6651 Stirling Road)
- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-329 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY,
AND STONECREEK LLC, FOR THE INSTALLATION OF REQUIRED
IMPROVEMENTS RELATING TO THE C & F PLAT; TO ACKNOWLEDGE SUCH
APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE. (DA 12-1-03, Stone Creek, 7690 Stirling
Road)

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- 4.10. **PLAT NOTE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-330 APPROVING A DELEGATION REQUEST TO AUTHORIZE A CHANGE TO THE
RESTRICTIVE NOTE ON THE PLAT KNOWN AS COUNTRY MARKET PLACE;
AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-03, The Shops at Stirling Place,
6755-6999 Stirling Road)
- 4.11. **AIRPORT MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-331 REQUESTING THAT IF THE BROWARD COUNTY COMMISSION CHOOSE TO
APPROVE THE EXPANSION OF THE FORT LAUDERDALE-HOLLYWOOD
INTERNATIONAL AIRPORT THAT THE OPTION WITH THE LEAST ADVERSE
IMPACT ON DAVIE RESIDENTS AND BUSINESSES BE SELECTED AND
MITIGATION IMPLEMENTED FOR THOSE SEVERELY AFFECTED.
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2003-332 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, WARREN HENRY
AUTOMOBILE, INC., WCDP LLP, AND CHELSEA AT IVANHOE HOMEOWNERS
ASSOCIATION, INC., FOR IMPROVEMENTS ASSOCIATED WITH THE
DEVELOPMENT OF TWO NEW CAR DEALERSHIPS INCLUDING THE
CREATION OF A COMMUNITY PARK AND A MULTIPURPOSE TRAIL; TO
ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO
SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 9-1-03,
Warren Henry/Regency Square, 4801 - 4991 SW 148 Avenue)
- 4.13. **CLARIFYING PUBLIC USE** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-333 FLORIDA, CLARIFYING THE PUBLIC USE PROVISION STATED IN THE
REGENCY PLAZA PLAT NOTE; ESTABLISHING THAT THE PORTION OF
PALOMINO DRIVE ENTERING THE TOWN PARK SHALL BE LIMITED TO NON-
VEHICULAR TRAFFIC AND SHALL BE DEEMED A GREENWAY OR PASSIVE
PARK; INCORPORATING THIS RESOLUTION WITHIN THE WARREN HENRY
AUTOMOBILE DEALERSHIP, INC, DEVELOPMENT AGREEMENT;
AUTHORIZING THE PREPARATION AND EXECUTION OF THE ASSOCIATED
DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK;
PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Site Plans

- 4.14. SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled
from December 3, 2003) *Site Plan Committee recommended approval with the conditions
that the applicant send a letter to the president of the homeowner's association [Chelsea
Homeowners' Association] stating the date when this item was to be reviewed by the
Town Council; and that the lighting levels on the east side of the buildings be at the
lowest possible levels that the Police Department would allow after 9:00 p.m.*

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- 4.15. SP 10-1-02, Sharon Gardens, 2801 SW 148 Avenue (A-1) *Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site*
- 4.16. SP 3-4-03, Sierra Ranches, 1900 Hiatus Road (AG) *Site Plan Committee recommended approval based on the planning report and that the main entrance and the round-about within the community be brought back with a complete conceptual landscape plan*
- 4.17. SP 5-1-03, Sheridan House Plat #3, 1700 South Flamingo Road (AG) *Site Plan Committee recommended approval based on the planning report and these added items: 1) that the intersection of the main boulevard, after the gate house, have a four-way stop and be reviewed by Engineering for safety concerns; 2) that on the phase one plan, the maintenance building, dumpsters and the related parking lot, be put back on the phase one plans; 3) that at most of the residences, the general parking areas be pulled away from the buildings so that there is sufficient backup room for vehicles coming out of the dead end parking on these small parking lots; 4) that the administration building will have a metal roof, not shingles as shown on the plans; 5) that a sidewalk be added from the parking area to the front doors of each building; 6) that there be a sidewalk added from each residence meeting room to the parking lot; 7) that the three main median entrance trees are to be increased to 20-foot overall height and it is noted that it will not match what the rendering showed; 8) change the Saw Palmettos on the east side of the berm to Coco Plums at 24 inches in height, 36 inches on center; 9) have the drop-off driveway going to the daycare center and through the porte cochere be designated as a one-way drive; and 10) that everything will have to meet ADA compliance, the same as discussed on the gatehouse*
- 4.18. MSP 3-1-03, Downtown Davie, 6200 Griffin Road (Griffin Corridor, Downtown Zone) *Site Plan Committee recommended approval approve subject to the planning report and that 1) the developer address the dumpster locations for the residential units; 2) provide access to bus shelters – from bus shelters to buildings; 3) potentially flip the garage to the main access corridor from Griffin Road; 4) provide some sort of access between the parking and the retail and residential units for more than just the first level; 5) address the pool location which would be in shadows during the day due to being surrounded by four-story buildings; and 6) look into the three-story townhouse location as discussed*

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- 4.19. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2003-334 STIPULATION FOR SETTLEMENT BETWEEN THE TOWN OF DAVIE AND
EQUIPMENT BUYERS, INC. FOR THE SPECIAL ROAD AND DRAINAGE
ASSESSMENT LIEN UPON PARCEL NUMBER 14, AND PROVIDING FOR AN
EFFECTIVE DATE.
- 4.20. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM
R-2003-335 OF QUALITY TRANSPORT SERVICES, INC. TO OPERATE THE BUS TRANSIT
SYSTEM-WESTERN ROUTE AND AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT FOR SUCH SERVICES.
- 4.21. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2003-336 MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE A CONTRACT
NOT TO EXCEED \$25,000 WITH WEISS SEROTTA HELFMAN PASTORIZA
GUEDES COLE & BONISKE, P.A. AND DAVID M. ORSHESFSKY, P.A. FOR
PLANNING SERVICES.
- 4.22. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE
R-2003-337 LETTER OF UNDERSTANDING BETWEEN THE TOWN OF DAVIE AND
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2315,
REGARDING KELLY DAY BIDDING; PROVIDING FOR SEVER ABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.
- 4.23. International Institute of Municipal Clerks Master Municipal Clerk - Barbara McDaniel

Councilmember Hubert requested to remove items 4.12, 4.13, 4.14, 4.20, and 4.22 from the Consent Agenda. Vice-Mayor Starkey requested to remove item 4.11. Councilmember Paul requested to remove items 4.15, 4.17, and 4.18. Mayor Truex requested to remove items 4.16, 4.19, 4.20, 4.21, 4.22 and 4.23.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.11 Vice-Mayor Starkey voiced her concern about the Town's resolution prepared for the Broward County Commission with regard to airport expansion. She suggested amending or deleting the third "Whereas..." clause - as it appeared that Council was giving a green light to airport expansion.

Mayor Truex thought the resolution was well prepared in light of the short time constraints under which it was prepared. He agreed with Vice-Mayor Starkey's observation. Vice-Mayor Starkey felt the resolution drafted was very good but pointed out that there were also other issues beyond the adverse impact to Davie.

Councilmember Paul suggested amending the language following the third "Whereas" clause, to state that the Town "requested the Broward County Commission be committed to limiting adverse and noise impacts on Davie residents."

Vice Mayor Starkey requested sending an approved and corrected resolution to the Broward County Commission.

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Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve subject to amending language to state that “the Town requested the Broward County Commission be committed to limit adverse and noise impacts on Davie residents.” In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Later in the meeting, Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve with the stipulation that the zoning not take effect until closing on the property. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Later in the meeting, Councilmember Paul made a motion, seconded by Councilmember Hubert, to with the stipulation that the zoning not take effect until closing on the property. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 Later in the meeting, Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve item 4.14, with the stipulation that the zoning not take effect until closing on the property. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Alfonso Bariana, representing Pilar Consulting Agency, was present.

Councilmember Paul indicated she had many questions on this issue, especially with regard to water issues and was considering whether to table this item until she could have a meeting with Pilar Consulting Agency. She was concerned about the drainage system on the property as the area was prone to serious flooding over the years. Councilmember Paul felt it was important that this issue be addressed precisely. She spoke about water retention in the basins for the property. She wished to see plans made with regard to traffic calming, light fixtures and other concerns. Councilmember Paul requested to have this item tabled until Council could address all these issues.

Mayor Truex asked Mr. Bariana if he would be willing to meet with Councilmember Paul for further discussion. Mr. Bariana indicated in the affirmative.

Vice-Mayor Starkey supported tabling this item and indicated that she was not in favor of vacating the 60-foot canal reservation as she felt it was important to incorporate water retention and drainage on the property. She also spoke about landscaping issues which needed to meet Code. Vice-Mayor Starkey requested that the applicant look into the dedicated easement of the trail.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table until January 7, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Mayor Truex spoke about mitigation plans for 17 acres of wetland and asked if the Town had any criteria or code regarding mitigation. Mr. Willi indicated that the County had struggled for some time to come up with mitigation codes. He indicated that Davie was fortunate to have mitigation sites available and advised that the County would rely on the applicant with regard to working out mitigation plans.

Vice-Mayor Starkey advised that the developer had agreed to put in several road improvements along Hiatus Road. She felt that it was important to keep as much mitigation as possible within the Town and she was in favor of drafting any proposal based on requirements to keep water within the basin and within the Town.

Mayor Truex asked what mechanism was used to ensure that plans were followed through. Mr. Willi indicated that it was tied to the completion of the project. He advised that the Town had a draft agreement from the developer which was being reviewed by the Town Attorney’s Office. Mr. Kiar advised he had not seen this draft yet.

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Vice-Mayor Starkey indicated that several residents were in support of the project because 60% of it was open space and wetland area, which they felt was an improvement to the community.

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.17 Councilmember Paul said that she did not feel Council should move forward on this project while still in litigation.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Paul - no. (Motion carried 3-2)

4.18 Later in the meeting, Mayor Truex asked staff about procedure on this item. Ms. Nolan explained that the Town allowed a preliminary concept plan to come before Council. She advised that Council was looking at overall design for the project. Ms. Nolan discussed the master plan for the Downtown Davie project.

Mark Smith, representing the petitioner, spoke highly of Town staff who worked on this project. He explained that the petitioner needed the preliminary site plan approval in order to go forth. Mr. Smith advised that a contract had been signed for additional land for water retention.

Mayor Truex asked about a courtyard. Mr. Smith indicated that the petitioner was currently working on suggestions made by staff, which would be submitted on the final site plan.

Joan Kovac, chair of the Community Redevelopment Agency (CRA), stated that her agency was pleased with this project and asked that Council approve the concept.

Will Allen, Redevelopment Administrator, advised that the CRA had taken a vote at its December 8th meeting, recommending approval with conditions related to water retention. He spoke about sidewalk usage along Griffin Road. He introduced, Victor Dover, the consultant working on this project.

Mr. Dover spoke about the history of the project and stated that he was enthusiastic about the proposal. He spoke about features of the design that were consistent with the Town's Code and urged Council to approve the preliminary concept.

Councilmember Hubert indicated that she liked the project and felt the corridor desperately needed this complex.

Councilmember Crowley referred to notices sent out to residents and asked if there had been any opposition from the community. Mr. Smith indicated that the letters had been sent to the residents and spoke about access points and drainage planned for the community. Councilmember Crowley asked Mr. Smith to meet with the residents on this issue. Mr. Smith agreed to do this. Councilmember Crowley thanked Mr. Smith for considering water retention for this area.

Councilmember Paul asked if the petitioner could do some outreach to residents around Pegasus Ranches who had traffic concerns. Mayor Truex suggested talking to staff with regard to setting up a meeting for interested residents in the community. Mr. Smith indicated he would talk with staff and set up a date in January 2004.

Vice-Mayor Starkey referred to access points along Griffin Road for a bus shelter and asked if a lane pull-off was proposed. Mr. Smith indicated yes and stated that the Department of Transportation (DOT) had required a slow down lane to make it safer for Emerald Isles residents to pull in and out of the community. Vice-Mayor Starkey indicated that a sidewalk would be needed. Mr. Smith advised that he would attempt to convince the DOT to allow for some sidewalk.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.19 Mr. Kiar indicated that this item concerned a resolution in favor of settlement contingent upon Council approval. He advised that the property owner's attorney had offered a settlement providing that the Town would recover all principal, interest, costs and attorney's fees in the amount of \$7,033.27. Mr. Kiar recommended quick approval.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Councilmember Hubert advised she had received an email from Mark Levitt who had questions regarding appropriate equipment to provide the bus service the Town wished to hire. Assistant Town Administrator Ken Cohen spoke about the buses that would be used for this service.

Mayor Truex asked if the contract could be terminated in the event that the company did not provide adequate bus service. Mr. Cohen indicated that termination clauses had been added to the contract.

Councilmember Paul spoke about unfortunate incidents she had with a Fort Lauderdale bus company and wished to receive more information about the company being considered.

Vice-Mayor Starkey also asked about canceling the contract if maintenance issues were not handled appropriately. She spoke about the option of considering another service listed. Mr. Cohen indicated that Council could choose any service recommended on the list and stated that after checking recommendations, all companies listed could adequately provide the service.

Councilmember Hubert asked if the bus would connect east and west Davie. Mr. Cohen advised it would run along State Road 84 toward Broward Mall. Councilmember Hubert asked if the bus was full size or like the Town of Davie transit bus. Councilmember Paul responded that it was like the transit bus.

Mayor Truex stated he had the same concerns and advised that if the Town did not go along with it, the bus service would be interruptible. Councilmember Paul stated that based on the termination clause, she would be willing to accept this item, with the understanding that if any problems arose, the Town could terminate the service.

Councilmember Crowley asked if the Town's contract with another existing bus service would help in case something happened. Mr. Cohen indicated in the affirmative.

Mark Levitt, president of Limousines of South Florida and the second ranked bidder for this contract, voiced his concerns about the service being considered. He felt Mr. Harrell, the representative of Quality Transportation, misled the selection committee about his backup vehicles. Mr. Levitt felt honesty and integrity was needed in the selection process for bus service. He stated his willingness to help the Town if the chosen bus service did not work out.

Mr. Harrell, representing the firm awarded the contract, spoke about his company's fleet of buses and described his services. He thanked the Town for the opportunity to serve Davie and added that he had never misrepresented his service to the Town.

Vice-Mayor Starkey asked if the Town had established criteria for protest procedures in the future. Mr. Willi indicated in the affirmative.

Vice-Mayor Starkey asked Mr. Kiar to review the concerns raised in Mr. Levitt's email and communicate his feedback to Mr. Willi.

Councilmember Paul voiced her concern about having large coaches as back up vehicles on smaller streets. Mr. Harrell stated that his buses served many municipalities and never had interrupted service.

Vice-Mayor Starkey asked about the length of the contract. Mr. Cohen indicated that the initial contract ran from January 5, 2004 - September 30, 2006, with two one-year renewal options.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.21 Development Services Director Mark Kutney advised of a coalition of Broward cities which the Town had been working with concerning important issues affecting the Town. He indicated that his office was seeking planning and consultancy service contracts to work with the coalition, to advance the Town's interests.

Mayor Truex asked why this issue was so pressing. Mr. Kutney indicated this was because of time constraints as the County was planning to hold hearings in January and February 2004. He stated that Council could choose not to participate but felt it was in the Town's best interest to do so.

Vice-Mayor Starkey asked about cities participating. Mr. Kutney advised that cities involved in the coalition included Weston, Pompano Beach, Miramar, Hollywood and Hallandale.

Vice-Mayor Starkey pointed out that planning for open space acquisitions was not mentioned in the proposal. She felt this component was necessary for Davie. Mr. Kutney indicated that the issues identified so far were currently being discussed by Council. Councilmember Paul felt the Town could bring several issues forward with regard to open space.

Mr. Kutney advised that once certain items were adopted in the County's EAR document, they would lay the groundwork for future countywide amendments that would affect the Town. He advised that the Town was just pledging the \$25,000 but was hoping the expenses would be less.

Mr. Kiar pointed out that Mr. Orshefsky's retainer agreement had a provision for mutual termination, which was not reflected in the agreement. He felt paragraph 8, regarding fees and services should be deleted.

Councilmember Paul made a motion, seconded by Councilmember Hubert, subject to mutual withdrawal - per paragraph 6, and elimination of paragraph 8, on the Serrota agreement. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Councilmember Hubert stated that Driver Engineer Jim Bunce had led her to believe that if Council did not agree to this item, the Fire Department would walk out. Mr. Alan explained that this resolution concerned the ratification of a letter of understanding to change Kelly Day bidding to annually, which he felt was beneficial to the union and to the Town. He stated that the reason it appeared before Council was that in order for the agreement to be binding, Council needed to ratify the agreement.

Mayor Truex asked if there were another issue regarding testing. Mr. Alan indicated in the affirmative and stated that this issue was being dealt with through a settlement agreement. Mayor Truex asked Mr. Alan if he was in agreement with what was being requested. Mr. Alan indicated he was in agreement with the subject matter but did not want to speak for Mr. Bunce. Mr. Willi asked if Mr. Bunce had looked at the resolution. Mr. Alan indicated that he had not, but stated again that the agreement needed to be ratified to change the bidding schedule from every other year to an annual schedule.

Vice-Mayor Starkey reminded Council that this issue had been discussed as a clean-up item and asked why this had not been done earlier. She supported the issue but did not support tying in other issues in grievance. Mr. Willi advised that he and Mr. Bunce had both signed a letter of understanding. He indicated that the letter of understanding had been ratified by the union and was before Council for ratification.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Mayor Truex requested that Assistant Town Clerk Barbara McDaniel come forward. He read a proclamation wherein the International Institute of Municipal Clerks had awarded the designation of "Master Municipal Clerk" upon Ms. McDaniel. Mayor Truex and Council congratulated Ms. McDaniel on this achievement.

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Council in unison made a motion to approve the resolution. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul requested to have item 4.1 reconsidered.

Councilmember Paul made a motion, seconded by Mayor Truex, to reconsider item 4.1. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table item 4.1 to the next meeting [January 7, 2003] as she had some corrections. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 2003-49 6.1. **UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE NEW "FLEET MAINTENANCE GARAGE"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (6911 Orange Drive)**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 2003-50 6.2. **REZONING - ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue) *Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Senior Planner Marcie Nolan explained that staff wished to tie this item in with items 4.12, 4.13, and 4.14, relating to the Warren Henry Project. She advised that the item currently before Council was an administrative rezoning petition.

Bill Laystrom, representing the petitioner, suggested having Keith Poliakoff make a brief presentation and that Council hear all related items together as all were contingent upon each other.

He outlined the petitioner's plans and spoke about B-3 rezoning. He mentioned the necessity for a deed restriction as residents nearby were concerned that there might be a future dealership on the shopping center property.

Mayor Truex asked if this was the Town's rezoning application and he thought the goal was to bring all parties into compliance. Mr. Laystrom indicated that the petitioner had designed the property with a B-3 rezoning in mind and would therefore present no non-conforming issues. He advised that the petitioner would erect a wall along the length of its property and add landscaping. Mr. Laystrom

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indicated that a portion of the property would be used to create a park constructed at the petitioner's expense, which would include two lockable access points from the Chelsea neighborhood.

Mr. Poliakoff advised of a request to move one gate to enable six parking spaces to be utilized for special events.

Mr. Laystrom displayed elevation plans for the dealerships and reviewed the landscaping plans. He felt these plans would be acceptable to the Chelsea residents and advised that the developer would maintain the Chelsea neighborhood security cameras. Mr. Laystrom spoke about the developer's plans with regard to quality of vehicles to be sold and a test drive route. Mayor Truex asked how the Town could enforce the test drive route in the event that it was misused. Mr. Laystrom advised that as a party to the agreement, the Town could do its own enforcement.

Councilmember Paul asked if the petitioner could indicate in writing that they would not go south on Volunteer Road. Mr. Laystrom indicated that this would be easy to accomplish and stated that construction hours would be limited. He advised Council of effective dates and stated that the petitioner would close on the property 30 days after the plat note was approved. Mr. Laystrom advised that if Council approved the site plan, anyone could file suit to challenge it for the next 30 days. He indicated that the seller wanted to be sure all contingencies would be taken care of and hoped Council would approve the site plan and the rezoning.

Councilmember Hubert asked how long it took for all parties to come to an agreement. Mr. Laystrom indicated about nine months. He stated that the developer would agree to move the equestrian trail across Regency Plaza toward Griffin Road at the developer's expense.

Councilmember Paul complimented Mr. Laystrom and the developers for the wonderful job done with Chelsea residents and Becker & Poliakoff. She felt this was an example of tabling an item with the knowledge that all parties were working cooperatively toward a vision and final product where everyone would be satisfied. Councilmember Paul felt the document presented should be used as a model for Council. Mr. Laystrom complimented the staff on their role in this issue as well.

Councilmember Paul referred to item number 4 in the Developer's Agreement and advised of a contradiction in terminology regarding when the sound wall and landscaping would be constructed. Mr. Laystrom advised that the decision was made to construct the entire wall during Phase 1 of construction. Councilmember Paul referred to item 8 regarding billboards. Mr. Poliakoff advised that the petitioner decided on 65 feet for signage. Mayor Truex advised that the petitioner would have to file for a variance which Council would have to approve.

Mr. Poliakoff thanked Council for its assistance in enabling the Chelsea residents to work on this issue. He spoke in favor of everything on the developer's agreement except for Section P, which stated that the agreement did not become effective unless Warren Henry closed on the property. Mr. Poliakoff felt this did not protect Chelsea residents or Councilmember Paul's district. He suggested that Council make its ordinance effective upon a specific date in order to lower the risk. Mr. Poliakoff requested that the Town's ordinance become effective once the County approved the plat, when Warren Henry would have to close on the property, which would better protect Chelsea and Davie residents.

Vice-Mayor Starkey spoke about other Town properties where the Town had the right to revert in the event the specific site plans were not followed through. She felt there might be a downside in this instance as the property would revert to administrative PUD zoning. Mr. Poliakoff stated that the petitioner wanted to ensure the property was built. Vice-Mayor Starkey referred to early testimonies where the developer had planned on developing the property as such, and would have no problem with it reverting. Ms. Nolan advised that if the Town set a precedent with a reversion clause in this instance, there was a concern that this might come up repeatedly in the future. She stated that the County PUD was not a Town zoning district and this designation was not on the Town's books.

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Vice-Mayor Starkey asked if the Town rezoned to a B-3 zoning, would it also have any site plan modifications. Mr. Poliakoff indicated that a site plan approval with no reverter clause would cause the petitioner to lose any ability to come back before the Council.

Anil Wohlburn, president of Chelsea at Ivanhoe, spoke about the residents' early concerns and indicated that Chelsea residents eventually decided to work with Warren Henry to make decisions that would improve the value of their homes. He thanked Council for its help. Mayor Truex complimented the Chelsea residents on taking control of this issue.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey asked staff if they had made any conclusions. Ms. Nolan advised that it was Mr. Kiar's opinion that it would not be possible to revert back to a PUD zoning as it was not a Town designation. She explained that the Town would have to come up with another option for an effective date.

Mayor Truex asked Mr. Laystrom why he couldn't use the effective date Mr. Poliakoff referred to. Mr. Laystrom responded that the seller would continue to be tied up in the process. Mayor Truex suggested that Council approve this item and make it so that the zoning would not take effect until closing. Mr. Laystrom concurred on this point.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve with the stipulation that the zoning would not take effect until closing on the property. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Mayor Truex called for a recess and then reconvened the meeting.

Ordinance - First Reading (Second Reading to be held January 7, 2004)

- 6.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-21 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE TO ADD REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT TO THE LIST OF ZONING DISTRICTS; AMENDING SECTION 12-24 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE TO PROVIDE FOR A STATEMENT OF PURPOSE AND INTENT FOR THE REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE ZONING DISTRICT; ENACTING NEW SECTIONS 12-32.400 THROUGH 12-32.411 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, TO BE ENTITLED "REGIONAL ACTIVITY CENTER-ACADEMICAL VILLAGE DISTRICT"; CREATING GENERAL REQUIREMENTS AND LIMITATIONS; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS;" PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on January 7, 2004.

Mr. Kutney indicated that Nova Southeastern University and staff had a very cooperative and positive relationship with regard to bringing this ordinance before Council. He pointed out a scrivener's error in Section 1 - 4.19, which would be corrected by the next hearing.

Mayor Truex referred to page 5 of the staff report under "Analysis" which referred to a comprehensive plan text amendment and asked if this was a pre-requisite to this ordinance being finalized. Mr. Kutney stated that staff would seek legal concurrence. He advised that the development agreement approach helped the process to go forward.

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Dr. Hanbury, of Nova Southeastern University (NSU), voiced his appreciation for the Council's work on this ordinance and introduced the individuals who would be involved in the project. He advised that in an effort to build an endowment and offer scholarships, NSU had spun off a for-profit business and had purchased half of the University Park Plaza, thereby creating a 21st century academical village. Dr. Hanbury indicated that there were three areas of the Regional Activity Center (RAC) including the mixed use area, the school barrier, and the university area. He advised that none could function without the others. Dr. Hanbury stated that the mixed uses included a governmental, residential and financial district, with open space and greenery areas. He indicated that the complex was taxable to the Town, and would bring close to \$12.5 million per year in taxes to the County. Dr. Hanbury felt this project would bring a strong economic engine and workforce development to the Town.

Mayor Truex asked if the zoning category would apply to the entire campus or only to the for-profit area. Dr. Hanbury advised that the RAC covered the entire area.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert asked about the 22 units per acre density allowance. She mentioned that this complex fell into her district and she was concerned about trying to provide affordable housing. Mr. Kutney stated that the RAC allowed 22 units per acre. Dr. Hanbury advised that fewer than 500 rental units were planned as the goal was to generate continuing income. He stated that overall, the housing component would be small.

Councilmember Hubert asked if she could put in 22 units of affordable housing on an acre of the property. Mr. Kutney advised that this would involve a site specific zoning application.

Mayor Truex felt the concept was excellent and spoke well of the Town's partnership with NSU. He indicated that he did not like the 150 foot height as he did not agree with this height in Davie. Mayor Truex also spoke about residential density and related transportation concerns. He felt that no accessory bars serving alcohol should be connected to the educational areas. Mayor Truex spoke about roads and he not support the 150 foot building being located 30 feet back from the property line. He asked for clarification about language in the report which stated that the building had to be zero feet from the right-of-way. Dr. Hanbury advised that some areas have a zero setback. He advised that it was a problem to critique the design based upon the ordinance, without seeing the actual design.

Dr. Hanbury stated that the RAC was created to encourage people to leave their cars and use mass transit. With regard to building height, he pointed out that the existing plan allowed for 30% open space by consolidating buildings rather than spreading them out. Dr. Hanbury felt that with the Town being the center of the County, the Town had an opportunity to be in the forefront of potential economic development generated from productive programs housed in this complex. He felt the height was essential as outlined and stated that the spire was solely an architectural feature designed to give the building aesthetic identity. Dr. Hanbury advised that buses would be able to come from all over the County to bring the public to the complex. He explained that the ordinance was not the master plan, but a document which gave authority to make decisions based on Council's actions. He advised that NSU had a legitimate license to sell alcohol to adults over 21 and indicated that the only place where alcohol would be served would be in the University Center.

Mayor Truex felt a variance should be considered and was not in favor of the building height.

Vice-Mayor Starkey asked what the distance was between the building and University Drive or other arterial roads. Dr. Hanbury advised that the distance would be 700 feet.

Vice-Mayor Starkey felt positive about the greenery inside the campuses which she felt encouraged students to walk. She wanted to see the center connected to the future airport, seaport, downtown park and ride transit systems. Vice-Mayor Starkey felt it was critical to leverage the influence

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of the universities and the RAC in funding such a transit system. She voiced her concern about the building height and stated that the open space allotment was important.

Dr. Hanbury advised that one building would be set back 100 feet from the road, along with architectural banding and features to detract from the wall and the flat roof. He spoke further about individual usage of open space within the complex and advised that the ordinance allowed for construction.

Jeff Brandon advised that the building height was a necessary evil and stated that the goal was to try to keep as much open space as possible. He spoke highly of the project and its benefits to the Town.

Councilmember Paul spoke in favor of the goal to encourage more usage of mass transit and stated that the project was the true picture of a mixed use community. She felt that with an appropriate location and regard for open space, the extra 25 foot height did not have to be a deal breaker. Councilmember Paul asked if NSU would be willing to stipulate that there would be no more than 500 residential units built. She felt the partnership was unique and advised Council to realize that it had to wrestle with many different elements in a mixed use community.

Councilmember Hubert asked if it would be possible to consider including 22 units for affordable housing. Dr. Hanbury indicated that he would explore this before the next meeting.

Councilmember Crowley spoke highly of NSU's track record as a quality institution and voiced his support for the project.

Mayor Truex voiced his opposition with regard to density and the changing of existing rules for building height.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to approve with the stipulation that no more than 500 residential units be built. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

Ordinance - First Reading (Second Reading to be held January 7, 2004)

6.4. RETIREMENT PLAN AND TRUST - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE; AUTHORIZING THE PARTICIPATION OF SAID PLAN AND TRUST IN THE FLORIDA MUNICIPAL PENSION TRUST FUND; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Assistant Town Administrator Ken Cohen spoke about the Town's goal to establish a defined benefit pension plan that was similar to the current contribution of 11.4% made by the Town. He spoke about various features of the plan.

Vice-Mayor Starkey mentioned that she had asked for a comparison sheet. Mr. Cohen indicated that he could provide the necessary paperwork.

Councilmember Paul asked why this plan was better than the existing one. Mr. Cohen explained that a defined benefit plan looked at a long range and blended the population better. Councilmember Paul spoke about the funding for the plan and asked if the Town was in a position to allow this plan without encumbering future tax repercussions. Mr. Cohen stated that under the current scenario, the Town was able to absorb the expense if it made the transition mid-year.

Councilmember Paul asked about employees who did not want to use the new plan. Mr. Cohen indicated that any employees who did not wish to change, could keep their 401 plan as it was not being closed.

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Mayor Truex asked if employees currently made a contribution to a fund. Mr. Cohen indicated that non-representative employees did. Mayor Truex asked what the justification was for this item. Mr. Cohen indicated that the justification was for recruitment and retention and explained the differences in the employee group categories.

Councilmember Crowley asked which city had the same feature as the proposed plan. Mr. Willi advised that the Town had started off with a set dollar amount, then designed this pension plan to fit within the existing budget.

Councilmember Hubert stated that a pension plan was necessary for the Town's employees. Mayor Truex felt the disparate treatment in classes of employees under the plan was not justified, as certain employees received considerable perks that average employees did not. He felt the \$2.5 million was a lost opportunity that could have been used for another purpose.

Councilmember Crowley asked if represented employees had the option to go into this plan if it were approved. Mr. Cohen indicated that this had to be negotiated. Councilmember Crowley asked if Mr. Cohen had met with employees to discuss the plan. Mr. Cohen indicated he would meet with all employees before the next meeting.

Councilmember Crowley asked what procedure existed for staff to speak before Council on this issue. Mr. Willi stated that the operations of the Town followed a strict chain of command and he felt it was inappropriate for a Town employee to lobby Council on issues that affected their tenure. He advised that the Town was drafting a policy that would further define these issues. Councilmember Crowley asked if an employee could voice their opinions before Council at a public meeting. Mr. Willi indicated in the affirmative and stated that the Town had invited employees to attend the current meeting.

Vice-Mayor Starkey stated that she had an open door policy for all residents or staff and she would not be in support of the policy Mr. Willi spoke about. Mr. Willi advised that there had to be a protocol as the Town could not be a free for all, as some employees may abuse this privilege. He indicated that he had been working on this policy for three years and intended to bring it forward. Vice-Mayor Starkey again voiced her opposition to this policy and felt it was a knee jerk reaction based on one specific circumstance, which should not be used to drive policy. She felt the Town should strive to maintain an open door policy for elected officials.

Councilmember Hubert invited an employee to come forward and speak.

Jack Pagliughi, a Development Services employee, stated that the contract group of employees was excited about the possibility of having a pension fund. He advised that there was overwhelming approval of this fund.

Mayor Truex asked what the cost would be if all employees in the plan were treated the same. Mr. Cohen indicated there would be a significantly more expensive plan. Mayor Truex asked if it would be possible to present an alternative proposal assuming that every employee was treated in one class. Mr. Cohen indicated it would be possible to prepare this before the next meeting.

Mayor Truex opened the public hearing portion of the meeting.

Mitch Topal, 12720 SW 13 Manor, indicated that after reading the entire text of the ordinance being considered, he felt it was a Trojan horse. He pointed out that on page 25, item 1.1-8.1 clearly stated that management employees included Council members. Mr. Topal felt that this pension plan disguised a lifetime pay increase for Council members, who were not management employees. He felt this was a slap in the face to Davie taxpayers and stated he had a serious issue with any pay increase given to elected officials without first being put before voters. Mr. Topal expected Council to modify this ordinance to exclude Councilmembers from the definition of management.

Vice-Mayor Starkey spoke about the terms and increases with regard to Council. She indicated that the current Council, with the exception of Councilmember Paul, did not qualify for this plan unless they served a second term.

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Mayor Truex closed the public hearing.

Mayor Truex felt the Town Council should be put in the category of general employees.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve, minus inclusion of Town Council members. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

Items to be tabled or withdrawn

6.5. STAFF REQUESTING A TABLING TO JANUARY 7, 2004

VA 7-1-03, Artistic Development Corp, 2276 Lynx Avenue (tabled from December 3, 2003)

This item was tabled earlier in the meeting.

6.6. PLANNING AND ZONING BOARD TABLED TO NOVEMBER 26, 2003 AT THE REQUEST OF STAFF; COUNCIL CAN TABLE TO JANUARY 7, 2004

VA 10-1-03, Wolf in the Woods, Inc., 5360 South University Drive

This item was tabled earlier in the meeting.

6.7. PLANNING AND ZONING BOARD TABLED TO NOVEMBER 26, 2003 AT THE REQUEST OF THE APPLICANT; COUNCIL CAN TABLE TO JANUARY 21, 2004

ZB 2-2-03, Higgins-Deni & Associates/Belle Commerce, LLC, 10220 SW 101 Road (A-1)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Airport Advisory Board (two exclusive appointments per Councilmember; terms expire December 2004)

Mayor Truex reappointed John Stevens. Councilmember Crowley reappointed Don Zane and Hertz Halperin. Vice-Mayor Starkey reappointed Mr. Futch and Ms. Osborne. Councilmember Paul reappointed Debbie Chandler and Mitch Topal.

7.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

7.3. Community Relations Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004)

No appointment was made.

7.4. Fire Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term January 2004 - December 2005)

Councilmember Paul reappointed John Croes.

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Mayor Truex asked if Council approved of reappointing both members (John Croes and Irving Heller). In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.5. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.6. Police Employees' Pension Board (two non-exclusive appointments of legal residents; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term January 2004 - December 2005)

Councilmember Paul wished to continue with both individuals.

Mayor Truex asked if Council approved of reappointing both members (Larry Davis and Jack Mackie). In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.7. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.8. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

- 8.1. Request to Reconsider LA 03-07

Mayor Truex asked who requested this item be reconsidered. Mr. Willi advised that staff wished to inform Council of the actions with regard to this item.

Vice-Mayor Starkey suggested that the request could have been made with a memorandum. She felt it was disingenuous to inform the community that an action would be taken, then to turn around and do something different. Vice-Mayor Starkey felt that if staff wanted to have an item reconsidered on the Council's agenda, the appropriate procedure would be to contact a Councilmember to ask that it be considered. Mr. Willi indicated that Town staff had admitted in writing before the public that it had made a mistake on this item and was willing to correct it. He advised that it would be Council's decision to table the item again or take no action.

Councilmember Crowley asked if this item were reconsidered and withdrawn, did the petitioner have the opportunity to come back before Council. Mr. Willi indicated that there was no time limitation on a withdrawal unless the application had come before Council and been denied. He advised that this application would not go away.

Mayor Truex felt this was an honest mistake. He felt that Council should not stir up this item as it would come before Council again in March, when everyone would have a say on this item.

Councilmember Paul indicated that she was concerned that people had not been involved in the process, as the developer had only made contacts with people from whom it was trying to buy property. She felt Council should try to get the developer to make a gesture to discuss the project further with the residents. Mayor Truex felt the developer should try to meet with the community. He indicated that he was told that the developer was trying to work out certain issues.

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Vice-Mayor Starkey apologized to the community regarding this item and stated that she was in favor of a public process. She agreed with Councilmember Paul that the community should have an opportunity to meet with the developer to have their needs discussed.

Mayor Truex asked if any member of the public wished to speak.

Brent Adrian, 5600 SW 48 Street, stated that he was the largest property owner who bordered the parcel being discussed. He indicated that no one had contacted him other than to discuss buying his property. Mr. Adrian voiced his concern that he did not know what employment center-low entailed and stated that he did not want duplexes built.

Hope Calhoun, of Bloom & McClosky, stated she would remain after the meeting to take names of anyone who wished to meet with the developer.

Silvio Case, 5600 SW 58 Court, asked Council if the project had been tabled three times before. Mayor Truex stated that Council had asked staff how many tablings had been requested by the petitioner. He indicated that Council thought the petitioner had only asked for tabling twice. Mr. Case asked why the item wouldn't be dismissed after three tablings. He asked Council what would have been done if Council had realized two weeks earlier that this item had been tabled three times. Mayor Truex indicated he did not know. He believed the process needed to be fair and felt the petitioner had the right to a hearing.

Councilmember Paul felt residents were concerned that their community was impacted and were frustrated at not getting the opportunity to speak on this issue. Mayor Truex voiced his understanding of people's frustration.

Mr. Case stated that no one in the community had been talked to by the developer.

Jackie Daniels, 5621 SW 54 Court, indicated that she and other residents who had taken the bus tour to view the proposed project were disheartened. She was concerned that the tabling might have been done to shut out residents who disapproved. Ms. Daniels indicated that no one had come out to speak with residents in her neighborhood.

Mickey Caruana, 5600 SW 54 Court, felt the petitioner knew they had requested a third tabling. He stated that the only person who benefited from breaking the tabling procedure was the petitioner, which unfairly burdened the public. Mayor Truex felt the petitioner did not know about the third tabling procedure.

Vice-Mayor Starkey referred to the Warren Henry item discussed earlier and explained that in that instance, the tablings helped the community and the petitioner to work together positively on the issue. She advised that tabling was often recommended in various cases and stated that to avoid this could subject the Town to litigation.

9. NEW BUSINESS

9.1. Deferral of Applications - Mayor Truex

Mayor Truex asked Council for suggestions on this issue. Vice-Mayor Starkey suggested having the petitioner or staff provide a letter explaining a request for a tabling. Mr. Willi indicated that a policy was being implemented where Council would receive a memo which outlined the history of a given project, along with a synopsis of previous tablings. He agreed with Mayor Truex that a reasonable time needed to be decided on before Council meetings, to receive memos with tabling requests. Vice-Mayor Starkey agreed and felt it was unreasonable for staff to review tabling requests at the last minute before Council meetings.

Mayor Truex felt that at least 24 hours' advance notice would be helpful. He suggested that a procedure be developed wherein the Town Clerk's Office informed a petitioner that an item would be tabled, if it were an as-of-right tabling. He asked if Council was in favor of this suggestion. Vice-Mayor Starkey asked what the downside would be in this instance. Mr. Kutney advised that there were some

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communities which required that the petitioner explain its reason for tabling. Mayor Truex stated that the Town's Code did not require a petitioner to provide a reason for tabling.

Mr. Willi suggested it would be more convenient for citizens to know when Town had an initial tabling. He suggested that he could meet with staff and prepare some recommendations to present before Council at the next meeting. Mr. Willi spoke about a mandatory public participation process and indicated that he had researched ways in which other municipalities conducted this issue. He offered to bring these findings before Council at the next meeting.

Vice-Mayor Starkey asked about incorporating a compatibility element. Mr. Kutney advised that his office had begun a public relations process to tell residents what was pending. He suggested making any changes quickly. Mr. Willi indicated that the public participation report brought to the public hearing would be certified by the petitioner. He felt this would give Council something tangible to work with. Vice-Mayor Starkey felt this report should be given at the time of application.

**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT**

JANUARY 21, 2004 COUNCIL MEETING. Councilmember Hubert asked to be excused from the second meeting in January, 2004.

COUNCILMEMBER CROWLEY

PARK CITY MEDIAN. Councilmember Crowley asked for an update on the Park City median. Mr. Willi indicated he would look into this.

82ND TERRACE. Councilmember Crowley advised of a request to make 82nd Terrace a one-way street. Mr. Willi stated he would bring a report on this.

GARAGE. Councilmember Crowley pointed out public concerns on the Public Works garage. He advised that he had met with residents and out of 31 letters mailed, 26 residents had attended to voice their concerns on the noise and aesthetics issues. Councilmember Crowley asked that staff come back with some options to buffer the garage during the next meeting.

VICE-MAYOR STARKEY

5K RUN. Vice-Mayor Starkey advised Council of a 5K Run at Treetops Park in January 2004. She stated that the citizens interested in holding this event needed to work with the Police and Fire Departments and advised that the event would benefit Students Against Drunk Driving. Vice-Mayor Starkey asked that the Police and Fire Departments work with the residents on this event.

DAVIE COMMUNITY DAY. Vice-Mayor Starkey announced the Davie Community Day at the Florida Panthers on December 27 and hoped that Town employees would participate in this event.

COUNCILMEMBER PAUL

E-MAIL. Councilmember Paul advised that she received an email from Donald Pritchard, a Broward Sheriff's Deputy, who had gone to Iraq and wished him well.

RESIDENTIAL FIRE. Councilmember Paul also thanked the Police and Fire Chief for keeping her informed about a residential fire at Shenandoah earlier in the week.

IMAGINATION FARMS. Councilmember Paul spoke about communication she had received about traffic problems at Imagination Farms. She requested that Council come up with an alternate plan with regard to rush hour problems and accidents impacting this area.

NATIONAL LEAGUE OF CITIES WORKSHOP. Councilmember Paul advised that she had brought back many ideas from the National League of Cities workshop. She stated she was happy that during her

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absence, the MPO prevailed on not moving forward with the Turnpike expansion until every community had a wall.

ORANGE PARK LIGHT. Councilmember Paul mentioned a broken light at the southeast corner of the Orange Park Community Center that needed a shield.

MAYOR TRUEX

AIRPORT EXPANSION. Mayor Truex stated that he was under the impression that several obstacles were holding up the process for the County. Mr. Willi advised that there had been a discussion workshop held by the county. Mayor Truex felt the Town needed to act quickly with regard to this issue. Mr. Willi stated that the County had some hurdles to overcome on this issue. He advised that he had attended a strategy meeting with the city managers of Hollywood and Dania Beach, and had come to the consensus that residents should be advised not to panic and not to sell their homes out early, as they would lose out when condemnation action came. Mr. Willi advised that he had set up a meeting with Neal McAliley from White and Case, and asked if Council wished to do the same. Mayor Truex indicated in the affirmative and pointed out that the Town's concerns would be different from the other cities.

PINE ISLAND RIDGE. Mayor Truex referred to the meeting with Pine Island Ridge and stated he did not want to do anything that would sell out that community further.

Vice-Mayor Starkey indicated that the north runway went directly over Pine Island Ridge and Park City East homes.

Mayor Truex requested that Council look further into discussing the impact to both these communities.

11. TOWN ADMINISTRATOR'S COMMENTS

HOLIDAYS. Mr. Willi thanked Council for the enjoyable holiday staff party and wished everyone Happy Holidays.

12. TOWN ATTORNEY'S COMMENTS

MATH IGLER PROPERTY. Mr. Kiar advised that the Town would close on the purchase of the Math Iglar property by the end of the week.

HOLIDAYS. Mr. Kiar wished everyone a happy holiday.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:41 a.m.

Approved _____

Mayor/Councilmember

Town Clerk

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